

**Effective 3/28/2016**

**63G-6a-802.7 Extension of a contract without engaging in a standard procurement process.**

The chief procurement officer or the head of a procurement unit with independent procurement authority may extend an existing contract without engaging in a standard procurement process:

- (1) for a period of time not to exceed 120 days, if:
  - (a) an extension of the contract is necessary to:
    - (i) avoid a lapse in a critical government service; or
    - (ii) to mitigate a circumstance that is likely to have a negative impact on public health, safety, welfare, or property; and
  - (b)
    - (i)
      - (A) the procurement unit is engaged in a standard procurement process for a procurement item that is the subject of the contract being extended; and
      - (B) the standard procurement process is delayed due to an unintentional error;
    - (ii) a change in an industry standard requires one or more significant changes to specifications for the procurement item; or
    - (iii) an extension is necessary:
      - (A) to prevent the loss of federal funds;
      - (B) to mitigate the effects of a delay of a state or federal appropriation;
      - (C) to enable the procurement unit to continue to receive a procurement item during a delay in the implementation of a contract awarded pursuant to a procurement that has already been conducted; or
      - (D) to enable the procurement unit to continue to receive a procurement item during a period of time during which negotiations with a vendor under a new contract for the procurement item are being conducted;
- (2) for the period of a protest, appeal, or court action, if the protest, appeal, or court action is the reason for delaying the award of a new contract; or
- (3) for a period of time exceeding 120 days, if the attorney general or the procurement unit's attorney determines in writing that the contract extension does not violate state or federal antitrust laws and is consistent with the purpose of ensuring the fair and equitable treatment of all persons who deal with the procurement system.

Enacted by Chapter 355, 2016 General Session